

Tomorrow's Community testified in favor of approval of the Application primarily due to the economic development potential of the BB2 Project.

18. The owners of one of the parcels through which the transmission line for the BB2 Project would be constructed and an attorney representing another such owner stated their dissatisfaction with negotiations with the Applicant concerning right of way acquisition, but did not oppose approval of the Application.

**WHEREFORE**, the Hearing Officer, based on the law and evidence presented, recommends:

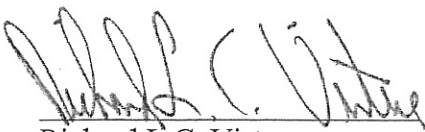
- A. Approval of the Application for a CUP.
- B. The recommended approval is subject to the following conditions:
  - 1. A CUP showing the site layout and any other conditions that may be imposed by County Staff through the construction approval process shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.6.8. Recording of the CUP shall occur only after completion of construction and approval by County Staff of compliance with conditions 2 through 8 below
  - 2. Prior to recording the CUP, the Applicant shall submit to County Staff for the record, the recorded documentation of the acquisition of the entire 31 mile, 150 foot wide easement utilized by the BB2 Project.
  - 3. Prior to recording the CUP, the Applicant shall submit a Geotechnical Reconnaissance Report on the entire 31 mile, 150 foot wide easement utilized by the BB2 Project. If the final design places an "H" Frame or other structure within a no build area, PNM shall address the requirements specified in Chapter

SEC. CLERK RECORDED 05/02/2016

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- 7, Section 7.17.4. of the SLDC and submit the findings to County Staff for approval.
4. If the final design places an "H" Frame or other structure within a Zone A flood hazard area, PNM shall work in consultation with the appropriate flood zone authorities to address the requirements specified in Chapter 7, Section 7.18.9.1. of the SLDC and submit the findings to County Staff for approval.
5. A patrol 2-track dirt road shall be capable of supporting emergency apparatus and shall be kept in good condition.
6. All mitigation implemented as recommended in the Environmental Impact Report shall be documented and the findings submitted to County Staff for the record.
7. Archaeological sites LA 171600, LA 190494 and LA 191147 shall be avoided and a mitigation plan shall be prepared and implemented for LA 55687 and LA 774436. The plan shall be provided to HPD for review and approval prior to implementation.
8. The maximum height of the "H" Frame structures to be utilized for the BB2 Project not exceed 150 feet.

Respectfully submitted,

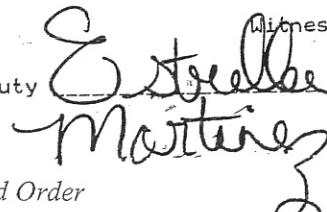
  
Richard L.C. Virtue  
Hearing Officer  
Date: July 31, 2018



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

SLDC HEARING OFFICER 0  
PAGES: 10

I Hereby Certify That This Instrument Was Filed for  
Record On The 2ND Day Of August, 2018 at 10:07:16 AM  
And Was Duly Recorded as Instrument # 1864142  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Geraldine Salazar  
Deputy  County Clerk, Santa Fe, NM

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We're not building anything. It requires very little water. Most of the water is going to be for landscaping, which is required by the County.

So I believe that of the 14 issues – again, we just received them today – but I think it would be very simple for us to mitigate those by the time it goes to the Planning Commission.

HEARING OFFICER VIRTUE: A couple of questions for you, Mr. Romero. Regarding the buffering, what kind of wall does the applicant propose?

MR. ROMERO: We're proposing a wall with pilasters and then metal in between, similar to the metal buildings that are going to be in the facility. ProPanel.

HEARING OFFICER VIRTUE: Okay. Would that be around the entire property?

MR. ROMERO: Yes, it is.

HEARING OFFICER VIRTUE: Okay. And regarding the traffic analysis, did you or anyone do any studies with respect to use of the property, the number of vehicles that would use the property throughout the entire day, as opposed to just the peak hours?

MR. ROMERO: We could have. We usually design for the peak hour because that's when most people are going to work or coming from work. So we counted the two or three hours in the morning, around 7:30, 8:00, and then the same thing in the afternoon. So again, these things just do not generate a lot of traffic. And like I said, the report was submitted, reviewed by the DOT and the DOT approved it.

HEARING OFFICER VIRTUE: Did you prepare any estimates or are there any statistics on total visits to the site per vehicle throughout the day?

MR. ROMERO: The standard is usually ten times what the peak hour is, so it's probably about 40 cars in the whole day.

HEARING OFFICER VIRTUE: Okay. Thank you. Just a question for the staff. The time frame for getting these additional submittals in in time for the August Planning Commission meeting appears to be short. Do you feel comfortable that you can review all the additional submittals and get a recommendation with respect to all those prior to the deadline for submittals to the Planning Commission?

MR. LARRAÑAGA: Hearing Officer Virtue, this isn't my case. I'm just reading the report but I am familiar with the project and from what I see here, yes. They submit in the middle of next week, end of next week we should be able to review it. One thing is an NMED permit, they need to supply that, and the design of the retention pond, design of the system, come up with a water budget to reduce the amount of water that's to be captured for landscape. So the conditions 2 through 8, I believe is what he needs to submit prior to getting notice for the Planning Commission. So I think those can be reviewed fairly easily.

HEARING OFFICER VIRTUE: Okay. Thank you. I believe that's all I have so I will conclude this public hearing and will prepare my recommendation, which you should expect to receive in two weeks. Thank you very much.

C. Case # CUP 18-5050 PNM BB2 345kV Transmission Line Project  
Conditional Use Permit. PNM, applicant, Laurie Moye, Agent, are  
requesting a Conditional Use Permit to construct approximately 31  
miles of new single-circuit 345kV transmission line in southern Santa

Fe County. The proposed transmission line will connect PNM's existing Clines Corners 345kV Switching Station (within Santa Fe County) to a new switching station within Sandoval County. The new single-circuit transmission line will be located immediately adjacent to the existing BB 345kV transmission line on a separate 150' easement. The steel "H" frame structures (140 pole sites) will be constructed 120' to 150' in height.

The proposed 31-mile transmission line will meander through State Land (2.5 miles) and through parcels that are zoned Agricultural/Ranching and Rural (31 miles). Ordinance No. 2016-9, the Sustainable Land development Code, Appendix B, Use Matrix, identifies high-voltage electric power transmission lines as a Conditional Use within these Zoning Districts. The proposed transmission line will run east to west within southern Santa Fe County, north of Stanley and north of Golden, meandering through approximately 32 separate parcels of land, within T 10, R 7, 8, 9, 10, 11 E, T 11, R 7, 8, 9, 10, 11 E and T 12 N, R 7, 8, 9, 10, 11 E, SDA-3 (Commission District 3) [*Exhibit 1: Map of Gray Vireo Habitat; Exhibit 2: PNM Corrections and Amendments; Exhibit 3: Jeremy Lewis Letter of Support*]

MR. LARRAÑAGA: Thank you, Hearing Officer Virtue. Again, clarification on this report: The applicant's submittal and staff report make reference to the "BB Line". The "BB Line" is an existing 345kV transmission line on an existing 150-foot easement, which was constructed in 1984. The CUP request is for the proposed BB2 345kV transmission line on a separate 150-foot easement. The applicant labeled documents as exhibits and/or attachments which are in staff's exhibits and which do not coincide with exhibits listed on page 13 of this report.

HEARING OFFICER VIRTUE: That's the same clarification that you have on the bottom of page 1 of the report.

MR. LARRAÑAGA: Correct.

HEARING OFFICER VIRTUE: Thank you.

MR. LARRAÑAGA: The BB2 Project consists of construction of a single-circuit line within southern Santa Fe County, commencing from the existing PNM Clines Corners 345kV Switching Station, which is on State Land within Santa Fe County, to just west of NM-14 to the Santa Fe County line then to a point in Sandoval County. The BB2 Project is approximately 31 miles on private property for the new single-circuit 345kV transmission line. The line is also located on approximately 2.5 miles of State Land on the existing Clines Corner Switching Station.

The new single-circuit line will be located immediately adjacent to the existing BB 345kV transmission line, built in 1984, within an existing 150 easement and will expand the existing utility corridor. The new construction will require an additional easement 150 feet in width. PNM is currently working with private landowners to obtain this easement. Access for the BB2 Project will be from existing roads adjacent to the site and the existing PNM patrol 2-tracks which is on the existing BB 150-foot easement.

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The applicant states, "The BB2 project is proposed in response to a wind farm developer who has entered into an agreement with PNM to transmit into the transmission grid the electricity generated by a new wind development in Torrance County, New Mexico. PNM is required by the Federal Energy Regulatory Commission to develop the requested capacity on its transmission system to serve this wind farm developer. In order to serve the wind farm developer, PNM will need to build a new transmission line in southern Santa Fe County to deliver this new wind energy. The new single-circuit line will be located immediately adjacent to the existing BB 345kV transmission line and this will expand the existing utility corridor."

Structure type for the BB2 project is a single-circuit H-Frame and will be a dulled galvanized color to match the color of the existing BB structures. The typical height of the structures for the BB2 project is approximately 120 to 150 feet which meets the National Electric Safety Code standards for safety. The BB2 transmission structures will be located generally parallel to the existing BB transmission structures. Final locations of the transmission structures will be subject to site-specific conditions. The BB2 Project consists of approximately 140 pole sites for the transmission structures in Santa Fe County. Each transmission pole site or structure area is approximately 20 x 40 feet. The average span length between transmission structures will be between approximately 1,000 to 1,500 feet. In rugged terrain, structures may be spaced up to 1,900 to 2,000 feet apart.

Ordinance 2016-9, the Sustainable Land Development Code, Section 7.12.1.3, states, "above-ground electric utility lines that transmit electricity at a voltage greater than or equal to 46 kilovolts shall be designed and constructed at the minimum height necessary for the proposed structure to function properly and for public health, safety and welfare, as demonstrated by the applicant."

The applicant has submitted justification for the need of the requested structure height which is contained in the report. Staff has reviewed the information submitted by the applicant demonstrating the need for the height of the structures and agrees with the applicant that in order for the structure to function properly and for public health, safety and welfare, the structures require a height of 120 to 150 feet.

The applicant has addressed the conditional use criteria and staff has responded as contained in the report. The applicant submitted the required studies, reports and assessments which include an environmental impact report and a fiscal impact assessment which are contained in the record. The applicable SLDC design standards were addressed by the applicant which include the following: access, fire protection, historic and archaeological resources, terrain management and flood prevention and flood control.

Building and Development Services staff has reviewed this project for compliance with pertinent SLDC requirements and has found that the facts presented support the request for a Conditional Use Permit to construct approximately 31 miles of new single-circuit 345kV transmission line in southern Santa Fe County: the use is compatible with the current development within the Agricultural/Ranching and Rural Zoning Districts; the use will not impact adjacent land uses; and the application satisfies the submittal requirements set forth in the SLDC inclusive of the conditional use criteria set forth in Chapter 4, Section 4.9.6.5.

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The applicant has demonstrated that the minimum height necessary, for the proposed structures to function properly and for public health, safety and welfare, would be 120 to 150 feet in height.

The review comments from the State Historic Preservation Office and County staff have established findings that this application to construct 31 miles of new single-circuit 345kV transmission line immediately adjacent to the existing BB 345kV transmission line is in compliance with State requirements and design standards set forth in the SLDC.

Recommendation: Staff recommends approval of a Conditional Use Permit to allow a new single-circuit 345kV transmission line, 31 miles in length, running east to west within southern Santa Fe County, meandering through approximately 32 separate parcels of land, with the following conditions:

- 1) The CUP showing the site layout and any other conditions that may be imposed through the approval process shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.6.8.
- 2) Prior to recording the CUP the applicant shall submit, to staff for the record, the recorded documentation of the acquisition of the entire 31-mile, 150-foot wide easement utilized by the BB2 345 kV transmission line.
- 3) Prior to recording the CUP the applicant shall submit a Geotechnical Reconnaissance Report on the entire 31-mile, 150-foot wide easement utilized by the BB2 345kV transmission line. If the final design places a structure ("H" Frame) within a no build area, PNM is required to address the requirements specified in Chapter 7, Section 7.17.4. of the SLDC and submit the findings to staff for the record.
- 4) If the final design places a structure ("H" Frame) within a Zone A flood hazard area, PNM is required to work in consultation with the appropriate flood zone authorities to address the requirements specified in Chapter 7, Section 7.18.9.1. of the SLDC and submit the findings to staff for the record.
- 5) The patrol 2-track dirt road shall be capable of supporting emergency apparatus and shall be kept in good condition.
- 6) All mitigation implemented as recommended in the Environmental Impact Report shall be documented and the findings submitted to staff for the record.
- 7) Archaeological sites LA 171600, LA 190494 and LA 191147 shall be avoided and a mitigation plan shall be prepared and implemented for LA 55687 and LA 774436. The plan shall be provided to HPD for review and approval prior to implementation. [Applicant corrected the last site number to LA 77436]
- 8) The maximum height of the "H" Frame structures to be utilized for the BB2 345 kV transmission line shall not exceed 150 feet.

This report and the exhibits listed below are hereby submitted as part of the hearing record. Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written order. The Santa Fe County Planning Commission will be holding a public hearing on this matter on September 20, 2018.

Hearing Officer Virtue, a couple of things that were passed out, there was a letter here that was submitted in support for this project from the New Mexico Energy, Minerals and Natural Resources Department, and also there was a map here that PNM

provided where in the environmental impact report, in the report there was a mitigation that needed to be done for the gray vireo bird, and so this addresses that mitigation. And I stand for any further questions.

HEARING OFFICER VIRTUE: Thank you very much. The only question I have at this point relates to the items passed out, is the submission at the public hearing sufficient for the purpose of including the items in the record?

MR. LARRAÑAGA: What I just passed out, I will give them to the recorder so they will be with the minutes for the record.

HEARING OFFICER VIRTUE: Okay. So they will be included in the record by virtue of having been submitted and identified. Okay. Thank you very much.

Okay, I would ask that the applicant and any representatives that wish to speak on behalf of the applicant be sworn at this time.

[The following members of the applicant's team were placed under oath: Laurie Moye, Kirk Allen, Valerie McCoy, and Emily Dolmen]

LAURIE MOYE: Hearing Officer Virtue, I am Laurie Moye with PNM, and I'm here today to talk about the BB2 345 kV transmission line project. I think you're aware of that. It's a new single circuit, 345 transmission line in southern Santa Fe County. I'm going to be repeating some of the things that Jose has said into the record. It's 31 miles on private land plus 2.5 miles on state land in Santa Fe County. It's located in the Agricultural/Ranch Rural and Public Institutional Zoning Districts.

A wind farm developer has entered into an agreement with PNM to transmit electricity generated by the new wind development in Torrance County. PNM is required by the Federal Energy Regulatory Commission, FERC, to develop the requested capacity on its transmission system. This new line will be located in an existing transmission corridor adjacent to an existing 345 transmission line. Estimated property tax payments to be paid by PNM to Santa Fe County are \$386,867 annually. There will be 40 to 50 temporary construction jobs from this project and PNM and its contractors will utilize local workers as much as possible.

This structure type is galvanized steel H-frame, 120 to 150 feet in height, and was selected by the landowners. As Jose said, the span lengths are approximately 1,000 to 1,500 feet in flat terrain and may be up to 1,900 to 2,000 feet in rugged terrain. The poles will be direct buried with one hole for each pole which will be two poles total. A pre-application neighborhood public meeting was held on April 4<sup>th</sup> in Moriarty with ten attendees. No concerns, issues and problems were identified at the meeting. PNM representatives are currently negotiating with landowners for easements. PNM has held individual meetings with property owners and their representatives, hosted a property owner dinner, and conducted a day and a half utility search conference on March 8<sup>th</sup> and 9<sup>th</sup> with representatives selected by the leadership team which met four times.

Updated survey results for the gray vireo bird were submitted to staff on July 9, 2018. The survey results indicate that there were no gray vireos observed or located in Santa Fe County with no nests in the corridor.

I have a series of board illustrating all of my points if you have questions about anything. I have a visual simulation of what the line could look like and this is taken from a road crossing at New Mexico 41.

NBB-159

I have some additions and corrections to the staff report. Staff reported that there are 32 parcels of land; the correct number is 25 with 17 different landowners, and that's on page NBC-1 and NBC-11, and I will with your permission submit this letter. Section 4.9.6.5 CUP of the staff report, page NBC-6, criterion 2: Inspections of the line for routine maintenance will take place every three years, not three months. Additional information is in the future, these inspections may be conducted with drones and not patrol trucks and individuals.

Criterion 6 of that section, the steel structures are galvanized gray steel and they are not painted. Galvanized steel is not painted. These structures dull in color over time. Under Section 6.1.2.1, Environmental Impact Report, the EIR, an updated EIR dated May 3<sup>rd</sup> was submitted for review, and that's on page NBC-7. And again, updated results for the gray vireo bird were submitted to staff on July 9<sup>th</sup>. There are no birds in Santa Fe County and no nests in the corridor.

Under the flood prevention, additional information, staff has Section 7.18. Staff has met with the Edgewood Soil & Water Conservation District to discuss the project and will continue to work with them.

On the archaeological section, based on our conversations with SHPO, under Section 7.16, Protection of Historic and Archaeological Resources, on NBC-8, PNM recommends revising the mitigation as follows: Mitigation: recommended for two sites. No further treatment is recommended for the remaining 15 sites as they are either not recommended as eligible or additional ground disturbance will be avoided. One of the sites, LA 171612 is mid-span and can be monitored and avoided.

On page NBC-10, in the HPD comments, the second bullet contains a typographical error. LA 774436 should be LA 77436.

And PNM suggests the following amendment to a condition, #7 on NBC-13: Ground disturbance at archaeological sites LA 171600, LA 171612 and LA 190494 and LA 191147 shall be avoided. A mitigation plan shall be prepared and implemented for LA 55687 and LA 77436. The mitigation plan shall be provided to HPD for review and approval prior to implementation.

May I submit these to the record?

HEARING OFFICER VIRTUE: Please do. Do you have enough copies to give to me and the recorder and the staff? I would ask the staff if they've seen these changes prior to right now.

MS. LUCERO: Hearing Officer Virtue, we have not seen till now.

HEARING OFFICER VIRTUE: Do you have any objections based on what you heard being read? I know it's hard to respond. Let me just rephrase that and say I think I'm going to allow you three days to get any further revisions that you would propose to me so that I can – if you have anything that you don't think is accurate and you want to change you can give them to me and I will look at them and then decide how to incorporate those into my report. If there are differences – what I'd like to do if there happens to be differences – I don't expect there will be any differences but there could be, just so I can hear from the staff and I can incorporate anything that might still be outstanding after the staff has looked at it in my report.

MS. LUCERO: Thank you.

MS. MOYE: Hearing Officer Virtue, that's fine. These were being developed this morning.

NB3-160



HEARING OFFICER VIRTUE: Yes, I understand. That's why I want to slow the process down a little bit and have some time to take a look and make sure we're all on the same –

MS. MOYE: Sure. And that's acceptable to us.

HEARING OFFICER VIRTUE: Okay. Thank you.

MS. MOYE: I'll stand for any questions.

HEARING OFFICER VIRTUE: I have no questions at this time. I will probably have some later.

MS. MOYE: Thank you.

GEORGE CHILTON: [From audience] I have a question.

HEARING OFFICER VIRTUE: Are you a member of the public?

MR. CHILTON: [inaudible]

HEARING OFFICER VIRTUE: Yes. Yes, that's the next phase. What I'm trying to do sir here is I want to let – the applicant had, I think four, if I counted correctly, representatives if they wanted to speak, so I'm going to allow them to speak first and present their case and then at the end of that I will call upon members of the public to present their testimony. So you'll have your opportunity here in a few minutes.

Is there anybody else from the applicant that would like to present testimony? Now is the time. Nothing further from the applicant. Okay. Then I would proceed to the public testimony portion of the hearing and I would ask that any members of the public – for right now, I'd like for all the members of the public to stand and be sworn and identify yourselves and then you may come to the podium after that. You can be sworn from where you are now, and then we'll have you walk up afterwards. It's okay to come up to the podium now. We'll swear you in from there. That would be fine.

[The following people were placed under oath: George Chilton, Lyn Chilton, Jeremy Lewis, Dennis Wallin, Debbie Ortiz, and Myra Pancrazio.]

HEARING OFFICER VIRTUE: Okay, Mr. Chilton, since you're at the podium, go ahead.

GEORGE CHILTON: What I'd like to say is we went to one of their meetings and we of course kind of got the run-around at the meeting. And we let them know that we weren't happy with them putting another line across our property. There's one line on our land now. We have 40 acres, two 40-acre pieces, one to the north, one to the south, and the one to the north is where the line primarily runs now. And I said if you want another line on the north, like you're talking about, then you need to buy that 40 acres, because otherwise that 40 acres is worthless to me. And the way it is right now you put a line through there it's just a matter of ten or fifteen years you're going to have another line through there.

And I intended to do something with that property but I won't be able to do nothing with it when there's high voltage wires running all over it. So my point is if they're going to go through there I don't want somebody giving me \$7,000 or \$8,000 for a right-of-way. I want them to buy that 40 acres. They're destroying the property period. That's my feelings and that's the way – we won't sign no papers otherwise. So if they do it otherwise we're going to have to go to court. That's what I've got to say.

HEARING OFFICER VIRTUE: Okay. Thank you very much.

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LYN CHILTON: My name is Lyn Chilton and we are property owners as my husband – I just want to add a little bit to what he said, because once they put more power lines in the property with all those high voltage and it is not healthy for people and there's some homes in there. So we thought that instead, they are big investors. This PNM is a big investor company, so if they would just buy the area where they will put those power lines. We're looking in the future, if they put more power lines they're going to have to go through property owners like us anywhere because they own the property. The value of the property would be so much less once they put those power lines. That's why we were just wishing that they would buy our parcel. That's all.

HEARING OFFICER VIRTUE: Thank you.

DENNIS WALLIN: Hearing Officer, my name is Dennis Wallin. I'm an attorney. I represent the Bill King Ranch, which is a property owner that owns about 20 percent of the total mileage that this line will take up. We're not here to oppose this line. The King Family has always been in favor of economic development and they're in favor of alternative energy resources as well. However, we do, like the Chiltons, want to make sure that PNM understands the diminution of value in their requirement to compensate the landowners for the loss of value for the remainder of their property as well as to take into consideration the highest and best use of the property and I understand that's beyond the purview of what you're hearing today. I just wanted to make a record that the King Family, Bill King Ranch, is not opposed to this. We have just further negotiation and as Ms. Moye said, we're engaged in those negotiations now.

HEARING OFFICER VIRTUE: Thank you. I appreciate your comments and I would encourage Mr. Chilton and Mr. King to continue your negotiations with PNM and hopefully you can resolve the differences you have and you can go from there.

JEREMY LEWIS: Hello, Hearing Officer Virtue. My name is Jeremy Lewis. I'm an employee with the Energy, Minerals and Natural Resources Department. Been employed there since 2007. I'm here to support the BB2. I'm the author of the support letter that you have and have provided three resources for you to consider, the first one being the current New Mexico energy policy. There are some items from there I wanted to point out to you. Wind energy development is now hindered by our inadequate transmission system. This deficient transmission system is limiting our economic development potential in New Mexico. We support the transmission infrastructure investments because they diversify and strengthen our electric system, updating and expanding the New Mexico transmission grid helps increase the penetration of wind energy and it grows the economy.

Another resource I wanted to provide you is the New Mexico energy roadmap. This roadmap advances strategies to strengthen New Mexico's overall energy economy by 2027, and the roadmap calls for optimizing New Mexico's electricity transmission systems.

And then finally the third resource I detailed in my letter is the Western Governors Association Policy Resolution for Energy in the West. A couple of items in there – to ensure the policy resolution asks to ensure energy is clean, affordable and reliable by providing a balanced portfolio of renewable non-traditional and traditional resources and to advance efficient environmental review, siting and permitting processes that facilitate energy development and improvement and construction of necessary electric grid which ensuring environmental and natural resource protection.

NBB-162

And finally, approval of the BB2 transmission line construction will increase economic growth in New Mexico, facilitate a more diverse energy mix with lowest cost electricity, contribute to a more modern and flexible energy delivery system and strengthen both energy resiliency and energy reliability in New Mexico. Thank you.

HEARING OFFICER VIRTUE: Thank you very much. A couple of questions for you. Can you elaborate a little bit upon – this may be a question that PNM will need to answer or at least supplement. The economic development piece, I assume there's a power purchase agreement in place to sell this energy and so in terms of energy sales and energy conservation and alternative energy, that piece of the puzzle has already been taken care of. Are you aware of – do you know how that is all set up?

MR. LEWIS: I am not aware of the power purchase agreement. Those are usually –

HEARING OFFICER VIRTUE: I'll reserve that then for PNM. And are you aware, as I mentioned in the comprehensive plan, I see also even in the Land Development Code about encouraging alternative energy in Santa Fe County. Are you aware if any of the energy that we produce in this line will be used in Santa Fe County? Are there any plans for that or any potential for doing that?

MR. LEWIS: Hearing Officer Virtue, I can speak to the flow of electrons. They go through the path of least resistance, wherever that may be. And once they enter the electric grid it's part of the largest built, man-made system on our continent, which is the electric grid. They can and will flow to –

HEARING OFFICER VIRTUE: So you're sticking to the technical piece and I certainly understand that.

MR. LEWIS: They'll flow north into Santa Fe County when the load is such, or south to Belen. They'll flow throughout the grid.

HEARING OFFICER VIRTUE: Yes. I was thinking in terms of sales and use of the electricity in Santa Fe County. That's something you're not aware of, I take it.

MR. LEWIS: I'm not.

HEARING OFFICER VIRTUE: Okay. Thank you very much. We have one more person. Two more people.

MYRA PANCRAZIO: Myra Pancrazio, Estancia Valley Economic Development. Officer Virtue, I'm here to represent southern Santa Fe County and Torrance County. My counterpart is Chris Hyer, who is the economic development manager for the Growth and Development Department both within Santa Fe County. So we sit together and we were a part of the leadership team for the BB2 project. Our job was to make sure there was a PPA – a power purchase agreement – before we go trying to build transmission lines. It's real important to have a rider on those lines. It's very expensive to build those.

This particular project, the power has been sold to Facebook. One of the criteria for Facebook to come to New Mexico is they wanted to be able to have a certain percent of the energy that they use wind and solar. So NextEra just bought a big wind project in our neck of the woods but also bought – will be putting in the solar project in Cibola County. And Torrance County will be supplying the wind power utilizing the BB2 line. So it's about, I think 160 to 168 megawatts of wind power that would be using this BB2 line.

NBB 163

Economic development seen at the 30,000 foot level, we see developers come into the state all the time. Avangrid out of Spain, Pattern Energy out of Houston, Texas. These are deep pockets. The challenge is, we get all the money and they want to bring in these wind farms and they want to produce all this solar, which southern Santa Fe County is just right for, but we don't have the transmission. We don't have the infrastructure in order to do it. It's kind of like getting a business to come into your area and you don't have any sewer or water lines set up.

So that's why Chris and I felt this project was so important, and it's only one of three projects in the Estancia Valley, which southern Santa Fe County is a part of. We have three major transmission lines right now all going through quasi-[inaudible] planning and zoning, sustainable land use public hearings right now. So we've got the Sun Zia to the south of the basin. We've got the Western Spirit line going through the middle of the basin, and then the BB2 at the north.

So we're very engaged and we're very excited that all this transmission is happening and want to make sure that our developers of the transmission line and our end users of the transmission lines have followed all the procedures and the policies within our government entities. So with that, that's kind of where we're at.

I can give you – I wanted to give you one example of a 298 megawatt wind farm in Torrance County, which is the wind farm that would be producing this wind for Facebook. Just that project, 298 megawatts, will bring the state \$21 million just in construction costs, and \$9 million to the county. And that's been done. That project is up and going. Over ten years the project will bring the state over \$41 million over ten years, just in one 298 megawatt project. Right now the state is in the project with private developers working on 5,000 megawatts of wind throughout the state of New Mexico and 3,000 of that is in the Estancia Basin. So I just wanted you to know. The gentleman before me was absolutely right. We don't have the infrastructure and we're hoping that these transmission projects will help us bring in this infrastructure and more importantly more solar into the southern Santa Fe County area.

HEARING OFFICER VIRTUE: Thank you very much. One question. I must have not understood you. I thought you said there's a power purchase agreement with Facebook for the energy coming off of this line that's the subject of this hearing. Then I heard you say there's another line in Valencia County that has a contract with Facebook. Are they both going to supply Facebook?

MS. PANCRAZIO: Facebook – the criteria was we want solar and we want wind. The solar will be coming out of Cibola County. So PNM is working with Cibola County to bring that solar in from that area, and then PNM is working on this line to help Torrance County to bring the wind to Facebook. So all of this is the Facebook project.

HEARING OFFICER VIRTUE: I got it. The wind is from Torrance County but the line is going to go through Santa Fe County.

MS. PANCRAZIO: Exactly. So how we look at it is Santa Fe County, Torrance County, Valencia County and Cibola County all got a big piece of the Facebook project, I guess is what I'm trying to say.

HEARING OFFICER VIRTUE: Okay. Thank you very much for that clarification.

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DEBBIE ORTIZ: Good afternoon, Officer Virtue. I'm Debbie Ortiz and I'm representing the Health Council in Torrance County which covers southern Santa Fe County, the Partnership for Health Tomorrows Community, and we are in support of the BB2 transmission line project. We want to commend PNM for the participation and the involvement that they've had in our community, as far as coming out to our community and doing public hearings and meetings to inform the public of what they're doing. So we are in full support. We know it's going to add economic development to our area, which is much needed in that area. And as they said, we've had meetings with them and they are looking at using local workforce from our area, so with that, we're in full support of this project.

HEARING OFFICER VIRTUE: Okay. Thank you very much. If there are no other members of the public wishing to testify I'll declare the public portion of the hearing at a conclusion and then ask the applicant the question I had earlier about how this line implements or does not implement the policy in our land development code. I think it's in our plan too that the County wants to encourage delivery of alternative energy for use in the county.

MS. MOYE: Hearing Officer, this is a map of the wind energy available in New Mexico, and you can see that it's concentrated over here – southern Santa Fe County, Torrance County, and there have been a lot of wind developers and it's also of course a lot on the eastern side of the state. So if you look at the original BB line, which is the existing 345 line that's there now, it runs from Blackwater, which is in Clovis, over to the BA station, which is in Sandoval County. And this line was built in 1974 and we had a lot of capacity as you can see. We are now full, 2017/2018. We are now full. And to reference Myra's testimony, the last wind farm that was built in Torrance County, which is now up and running, which comes into the Clines Corners station where we're going to start follows this line, the existing BB line. And that's the El Cabo wind. Avangrid is planning to build more wind farms in this area. One wind farm has a PPA signed, the wind developer that came in we have an agreement, and that is what triggered the NERC requirements for us to build an additional transmission line.

So that is going to begin at Clines Corners. They've built a transmission line up there. And then it's going to go from Clines Corners into a spot in Sandoval County. You also asked me about where does the energy go. And as Jeremy stated, it is inserted into the grid and you think of it like water in a hose and every time you have some sort of outlet off of the hose the water fills the house and fills the outlets. There are lots of outlets. And this particular line, this particular connection to a point in Sandoval County is actually going to turn and go up to Norton Station in Santa Fe County, which means that the power will go up to Norton and then Norton serves Santa Fe.

Facebook's goal is to insert more renewable energy into the grid universally. And then they say they want to be completely green to offset it and their thought is if they use x-number of megawatts, they want x-number of megawatts of renewable energy. So they've very aggressively been developing – PNM has developed solar for them already. This wind agreement, as Myra indicated, other solar farms around New Mexico to serve them. Was there another question? I'm sure there was.

HEARING OFFICER VIRTUE: No, that answers my question. But there are no power purchase agreements with anybody in Santa Fe County that will buy the energy off of this particular line, but the potential is there for that to happen.

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MS. MOYE: That's correct. Yes.

HEARING OFFICER VIRTUE: Okay. Thank you.

MS. PANCRAZIO: I probably should have answered that for you. Now that you have a transmission line that has capacity on it and you have the substation and the interconnection at Clines Corners, Chris and I can market southern Santa Fe County for solar and wind. Up until now, it wasn't available for you. Now we can. So that's what makes this exciting.

HEARING OFFICER VIRTUE: Thank you very much. I appreciate the clarification.

MS. MOYE: Was there another question?

HEARING OFFICER VIRTUE: I have no further questions of the applicant. I have a few questions for the staff. They relate to the conditions. See if I'm understanding how the process works. The conditions contain just generally – what I'm asking about is the conditions require several follow-up reports to nail down some of the pieces in the environmental impact report and do further mitigation studies. It's not clear to me when those have to be done and when they get approved. Just for example, the flood hazard mitigation study has to be prepared and submitted and the findings submitted to the staff for their record. At what point does that happen? What I'm getting to is is the staff recommending this all happen before the CUP is actually recorded? Or before construction commences? Or is it when construction commences in the particular areas that are identified for mitigation.

MR. LARRAÑAGA: Let's say the flood hazard, as it stated in the report, these sites where the poles are going to be sited may change and they may – to try to get out of a flood hazard area or an arc site, or another was because of the geotechnical there might be some rock outcroppings on the site where they want to put a pole. They might have to change it. So those have to be addressed and submitted to staff. So the construction will go on. We won't require the conditional use permit, the site development plan for the conditional use permit until the construction is complete, and as they're going along with the construction and they went into, let's say a flood hazard area or whatever kind of thing that needs to be addressed, they would address that to staff as the construction is going. When it's complete, the construction is going and staff does possibly an inspection and then the conditional use permit will be recorded.

HEARING OFFICER VIRTUE: Okay. So it's essentially as the project goes along, the applicant will have to prepare these mitigation studies and submit them to the staff before they actually go into the mitigation – start construction in the mitigation area. Staff will review them and approve them in effect prior to them proceeding to actually construct any mitigation. Do I understand you correctly?

MR. LARRAÑAGA: That's correct.

HEARING OFFICER VIRTUE: Okay. And then the CUP doesn't get recorded until the construction is completed.

MR. LARRAÑAGA: That's correct.

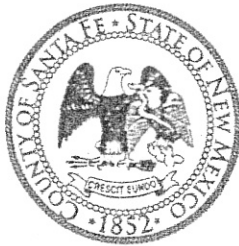
HEARING OFFICER VIRTUE: Okay. Thank you for that clarification. I believe that's all I have. So I will declare this public hearing to be concluded. This is the final hearing on the agenda today so I will deem this meeting to be adjourned. Thank you very much.

NBB-166

Henry P. Roybal  
Commissioner, District 1

Anna Hansen  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Anna T. Hamilton  
Commissioner, District 4

Ed Moreno  
Commissioner, District 5

Katherine Miller  
County Manager

**CASE NO. CUP 18-5050  
BB2 345kV TRANSMISSION LINE PROJECT  
PUBLIC SERVICE COMPANY OF NEW MEXICO, APPLICANT**

**ORDER**

**THIS MATTER** came before the Santa Fe County Planning Commission ("Planning Commission") for hearing on September 20, 2018, on the application of Public Service Company of New Mexico ("Applicant") for a conditional use permit to construct approximately thirty-four (34) miles of new single-circuit 345kV transmission line in southern Santa Fe County. The proposed transmission line will pass through approximately twenty-five (25) parcels of land zoned Agricultural/Ranching and Rural (31 miles) or State Land (2.5 miles). The Planning Commission, having reviewed the application, staff report, and Hearing Officer's recommended decision, and having conducted a public hearing, finds that the application is well-taken and should be approved, and makes the following findings of fact and conclusions of law.

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**I. FINDINGS OF FACT**

**A. FACTUAL BACKGROUND**

1. Applicant proposes to construct approximately thirty-four (34) miles of new single circuit 345kV transmission line in southern Santa Fe County ("Proposed Line"). The Proposed Line will connect Applicant's existing 345kV switching station located in Clines Corners in Santa Fe



NBB-167

County, to a proposed switching station located in Sandoval County. NBB at 1-3, 27-48; Hearing Transcript ("Tr.") at 39.

2. Applicant is required by the requirements of the Federal Energy Regulatory Commission to build the Proposed Line to provide capacity to transmit electricity from new wind energy development. NBB at 3; Tr. at 42-43.

3. Applicant proposes to construct the Proposed Line on a one hundred fifty (150) foot easement. The Proposed Line's easement will be located immediately adjacent to and parallel with the one hundred fifty (150) foot easement for Applicant's existing 345kV transmission line ("Existing Line"), which was constructed in 1984. As a result, the Proposed Line and the Existing Line will be separated by one hundred fifty (150) feet. NBB at 3; Tr. at 39-40.

4. Applicant proposes to support the Proposed Line on one hundred forty (140) steel H frame structures ("H Frames"). *Id.* The H Frames will have a height of between one hundred twenty (120) and one hundred fifty (150) feet, which complies with the standards in the National Electric Safety Code ("NERC"). NB at 3, 65-66; Tr. at 39-40. The H Frames will be painted a dulled gray to match the color of the structures supporting the Existing Line. NBB at 7; Tr. at 40.

5. Applicant proposes to place the H Frames for the Proposed Line at intervals of approximately one thousand (1,000) to one thousand five hundred (1,500) feet, but in rugged terrain, the placement may be approximately one thousand nine hundred (1,900) to two thousand (2,000) feet. The final placement of the H Frames for the Proposed Line will be subject to site specific conditions. NBB at 3; Tr. at 40.

6. The Proposed Line will pass through approximately twenty-five (25) parcels of land zoned Agricultural/Ranching or Rural (31 miles) or State Land (2.5 miles). NBB at 1, 3; Tr. at 39.



## B. LEGAL BACKGROUND

7. The Sustainable Land Development Code ("SLDC"), Ordinance No. 2016-9, Appendix B (Use Matrix), identifies high-voltage electric power transmission lines as a conditional use which is an allowed use within the Agricultural/Ranching and Rural zoning districts upon approval of a conditional use permit.

8. The SLDC, Section 4.9.6.5 (Approval Criteria) states that a conditional use permit may be approved if the use will not:

- a. be detrimental to the health, safety and general welfare of the area;
- b. tend to create congestion in roads;
- c. create a potential hazard for fire, panic, or other danger;
- d. tend to overcrowd land and cause undue concentration of population;
- e. interfere with adequate provisions for schools, parks, water sewerage, transportation or other public requirements, conveniences, or improvements;
- f. interfere with adequate light and air; or
- g. be inconsistent with the purposes of the property's zoning classification or in any other way inconsistent with the spirit and intent of the SLDC or SGMP.

9. The SLDC, Section 4.9.6.6 (Conditions) states that the Planning Commission may approve the conditional use permit with "such reasonable standards, conditions, or mitigation requirements, in addition to any general standard specified in the SLDC or the SGMP, as the Planning Commission may deem necessary."

10. The SLDC, Section 7.12.1.3 , states in relevant part, "Above-ground electric utility lines that transmit electricity at a voltage greater than or equal to 46 kilovolts shall be designed and constructed at the minimum height necessary for the proposed structure to

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function properly and for public health, safety and welfare, as demonstrated by the applicant.”

### C. PERMIT PROCESS

11. On February 1, 2017, Applicant presented the application for a conditional use permit to construct the Proposed Line at the regular meeting of the Technical Advisory Committee, as required by the SLDC, Section 4.4.4.3 (Pre-Application TAC Meeting) & Table 4-1. NBB at 11, 14.

12. On April 4, 2017, Applicant presented the application for a conditional use permit to construct the Proposed Line at a neighborhood meeting, and submitted the material that was presented at the meeting, a sign-up sheet, and a list of individuals notified of the meeting, including Community and Registered Organizations, as required by the SLDC, Section 4.4.4 (Pre-Application Neighborhood Meeting). NBB at 11, 14, 101-126; Tr. at 43.

13. Applicant submitted written verification that the notice of public hearing on the application for a conditional use permit to construct the Proposed Line was posted, published, and mailed, as required by the SLDC, Section 4.6.3 (General Notice of Application Requiring a Public Hearing). NBB at 146.

14. On July 12, 2018, the Hearing Officer held the public hearing on the application for a conditional use permit to construct the Proposed Line. NBB at 145.

15. On July 31, 2018, the Hearing Officer issued his decision recommending approval of the application for a conditional use permit to construct the Proposed Line, subject to the following conditions:

- a. A CUP showing the site layout and any other conditions that may be imposed by the

County Staff through the construction approval process shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.6.8. Recording of the CUP shall occur only after completion of construction and approval by County Staff of compliance with [the following] conditions.

- b. Prior to recording the CUP, the Applicant shall submit to County Staff for the record, the record, the recorded documentation of the acquisition of the entire 31 mile, 150 foot wide easement utilized by the BB2 Project.
- c. Prior to recording the CUP, the Applicant shall submit a Geotechnical Reconnaissance Report on the entire 31 mile, 150 foot wide easement utilized by the BB2 Project. If the final design places an "H" Frame or other structure within a no build area, PNM shall address the requirements specified in Chapter 7, Section 7.17.4. of the SLDC and submit the findings to County Staff for approval.
- d. If the final design places an "H" Frame or other structure within a Zone A flood hazard area, PNM shall work in consultation with the appropriate flood zone authorities to address the requirements specified in Chapter 7, Section 7.18.9.1. of the SLDC and submit the findings to County Staff for approval.
- e. A patrol 2-track dirt road shall be capable of supporting emergency apparatus and shall be kept in good condition.
- f. All mitigation implemented as recommended in the Environmental Impact Report shall be documented and the findings submitted to County Staff for the record.
- g. Archaeological sites LA 171600, LA 190494 and LA 191147 shall be avoided and a

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mitigation plan shall be prepared and implemented for LA 55687 and LA 77436. The plan shall be provided to the [Historic Preservation Division] for review and approval prior to implementation.

h. The maximum height of the "H" Frame structures to be utilized for the BB2 Project shall not exceed 150 feet. NBB at 153-154; Tr. at 41-42.

16. On September 20, 2018, the Planning Commission held a public hearing on the application for a conditional use permit to construct the Proposed Line. Tr. at 39-56.

17. Applicant complied with the notice requirements for a public hearing before the Planning Commission, as required by the SLDC, Section 4.6.3 (General Notice of Application Requiring a Public Hearing). NBB at 11.

18. At the public hearing, County staff presented uncontroverted testimony that Applicant submitted the studies, reports, and assessments required by the SLDC, Section 6.1.2.

a. The Environmental Impact Report ("EIR") analyzed the potential adverse impacts of the Proposed Line on the environment and natural resources, described potential mitigation measures, and proposed reasonable alternatives to the Proposed Line. In particular, The EIR identified the potential to effect approximately two hundred twenty-five (225) acres of potentially suitable habitat for the gray vireo (*vireo vecinior*), a state threatened bird, in a portion of the right-of-way for the Proposed Line. Applicant conducted a field study to determine whether gray vireos were using the potentially suitable habitat for nesting or other purposes. The study did not detect any gray vireos and determined that gray vireos were not using the potentially suitable habitat for nesting or other purposes. The EIR also identified portions of the right-of-way for the Proposed Line that will be located in arroyos and draws designated as Zone A for flood hazard by



the Federal Emergency Management Agency. Applicant will mitigate this potential impact by avoiding tower construction in these areas. NBB at 7-8.

b. The Archaeological Resources Report identified several archeological sites in the right-of-way for the Proposed Line. The Historic Preservation Division of the New Mexico Department of Cultural Affairs recommended that Applicant avoid Sites LA 171600, LA 190494 and LA 191147, and prepare and submit a mitigation plan for Sites LA 55687 and LA 77436. NBB at 7-8, 10.

c. The Fiscal Impact Assessment ("FIA") described the financial impacts of the Proposed Line, and concluded that the Proposed Line will have a beneficial effect on the County's revenues of \$386,876 in property tax payments and forty (40) to fifty (50) construction jobs, and minimal or no costs to the County. NBB at 7-8.

d. The Santa Fe County Fire Department submitted an Official Development Review dated February 14, 2018, which concluded that the Proposed Line will comply with the applicable requirements, provided that the existing patrol 2-track and the additional five (5) to seven (7) miles of new patrol 2-track are maintained in a condition that supports the imposing load of an emergency apparatus. NBB at 9-10.

19. At the public hearing, Applicant and County staff presented uncontroverted evidence that the application satisfied the approval criteria for a conditional use permit:

a. The Proposed Line will not be detrimental to the health, safety and general welfare of the area. The Proposed Line will be constructed in compliance with the NERC, which is required by the New Mexico Public Regulation Commission for the construction of new facilities in the state. NBB at 6.

b. The Proposed Line will not tend to create congestion in roads. The Proposed Line will generate additional vehicular traffic for a short period during construction. Following construction, the Proposed Line will generate additional vehicular traffic only during routine inspections and maintenance occurring approximately every three (3) years. *Id.*

c. The Proposed Line will not create a potential fire hazard for fire, panic, or other danger. Applicant will clear vegetation from the right-of-way of the Proposed Line as required by the NERC. Tr. at 45. Applicant's Operations Center will monitor fire risk, and will shut down the Proposed Line during a fire. *Id.* The "H" Frames will be equipped with a shield wire or static line located at the highest point of the structure to prevent lightning from striking the conductor. NBB at 6. The Proposed and Existing Lines are constructed to meet expected ambient conditions, including ice and wind, and are routinely inspected to ensure their function and safety. Tr. at 45. Applicant testified that it has not experienced any issues related to the safety of parallel transmission lines. *Id.*

d. The Proposed Line will not tend to overcrowd land and cause undue concentration of population. The Proposed Line complies with the density requirements for the Agricultural/Ranching and Rural Zoning Districts. NBB at 6.

e. The Proposed Line will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements. The Proposed Line will be located in a remote area in the southern part of the County, and will not require the provision of schools, parks, water, sewerage, transportation or other public services, conveniences, or improvements. NBB at 6-7.

f. The Proposed Line will not interfere with adequate light and air. The "H"

Frames, which have minimal obstruction to air and wind, will be eight (8) to ten (10) feet shorter than the Existing Line, and will not be equipped with lights. NBB at 4, 7.

g. The Proposed Line will not be inconsistent with the purposes of the property's zoning classification or the spirit and intent of the SLDC or Sustainable Growth Management Plan ("SGMP"). The Proposed Line is an allowed use with a conditional use permit in the Agricultural/Ranching and Rural Zoning Districts. The Proposed Line may have certain impacts, but they are considered to be minimal, as described below.

1. The Proposed Line will run parallel to the Existing Line, mitigating the visual impact of additional lines and structures. NBB at 7. Property owners in the right-of-way for the Proposed Line expressed a preference for "H" Frames rather than the pole structures used in the Existing Line. Tr. at 44.

2. The Proposed Line will run on a new easement parallel to the Existing Line, and Applicant will be required to control erosion and restore the land surface. NBB at 10-11.

3. The Proposed Line is an expansion of an existing use, and therefore, is compatible with the present land use. *Id.*

4. The Proposed Line will have a positive economic benefit on the County through the provision of property tax revenue, short-term construction jobs and additional transmission capacity for wind power development. NBB at 7, 10-11.

5. The Proposed Line supports regional sustainability by providing additional transmission capacity for the development of renewable energy on a regional scale. NBB at 10-11, 141-144.

20. Applicant testified that it will accept the conditions recommended by the Hearing Officer. Tr. at 45.

21. Mr. Bill King, a resident of Moriarty, and a property owner in the right-of-way for the Proposed Line, testified that he supported the Proposed Line, but expressed concern that the Proposed Line infringed on his ability to use land outside of the right-of-way, and requested that the Planning Commission impose a condition requiring Applicant to negotiate in good faith for the acquisition of and damage to his property. Tr. 49-51.

22. Mr. Robert Heineman, a resident of Jacona, testified that the proliferation of transmission lines to serve new renewable energy sources will cause problems absent the development of a coordinated regulatory strategy. Tr. 52-53.

## II. CONCLUSIONS OF LAW

23. Applicant demonstrated the need for the Proposed Line and the "H" Frames.

24. Applicant demonstrated that the Proposed Line and "H" Frames at the specified height between one hundred twenty (120) and one hundred fifty (150) feet height are necessary to ensure proper function and to protect the public health, safety and welfare.

25. Applicant satisfied the approval criteria for a conditional use permit:

- a. The Proposed Line will not be detrimental to the health, safety and general welfare of the area.
- b. The Proposed Line will not tend to create congestion in roads.
- c. The Proposed Line will not create a potential fire hazard for fire, panic, or other danger.
- d. The Proposed Line will not tend to overcrowd land and cause undue concentration of population.
- e. The Proposed Line will not interfere with adequate provisions for schools,

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parks, water, sewerage, transportation or other public requirements, conveniences or improvements.

f. The Proposed Line will not interfere with adequate light and air.

g. The Proposed Line will not be inconsistent with the purposes of the property's zoning classification or the spirit and intent of the SLDC or Sustainable Growth Management Plan ("SGMP").

26. The conditions recommended by the Hearing Officer are reasonable and appropriate to ensure compliance with the SLDC.

27. The Planning Commission does not have the authority to impose a condition requiring Applicant to negotiate in good faith for the acquisition of or damage to property related to the right-of-the-way for the Proposed Line.

**WHEREFORE** the Planning Commission finds the Application is well taken and hereby approves the Application for a Conditional Use Permit to construct approximately thirty-four (34) miles of new single-circuit 345kV transmission line in southern Santa Fe County, subject to the following conditions:

a. A CUP showing the site layout and any other conditions that may be imposed by the County Staff through the construction approval process shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.6. Recording of the CUP shall occur only after completion of construction and approval by County Staff of compliance with [the following] conditions.

b. Prior to recording the CUP, the Applicant shall submit to County Staff for the record, the record, the recorded documentation of the acquisition of the entire 31 mile, 150 foot wide easement utilized by the BB2 Project.



c. Prior to recording the CUP, the Applicant shall submit a Geotechnical Reconnaissance Report on the entire 31 mile, 150 foot wide easement utilized by the BB2 Project. If the final design places an "H" Frame or other structure within a no build area, PNM shall address the requirements specified in Chapter 7, Section 7.17.4. of the SLDC and submit the findings to County Staff for approval.

d. If the final design places an "H" Frame or other structure within a Zone A flood hazard area, PNM shall work in consultation with the appropriate flood zone authorities to address the requirements specified in Chapter 7, Section 7.18.9.1. of the SLDC and submit the findings to County Staff for approval.

e. A patrol 2-track dirt road shall be capable of supporting emergency apparatus and shall be kept in good condition.

f. All mitigation implemented as recommended in the Environmental Impact Report shall be documented and the findings submitted to County Staff for the record.

g. Archaeological sites LA 171600, LA 190494 and LA 191147 shall be avoided and a mitigation plan shall be prepared and implemented for LA 55687 and LA 77436. The plan shall be provided to the [Historic Preservation Division] for review and approval prior to implementation.

h. The maximum height of the "H" Frame structures to be utilized for the BB2 Project shall not exceed 150 feet.

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